

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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Gilbert Figueroa,

Case No. 2:22-cv-00477-ART-DJA

Plaintiff,

## Order

V.

Gill, et al.,

## Defendants.

Before the Court is *pro se* Plaintiff Gilbert Figueroa’s motion “to show cause” (ECF No. 91) and motion to extend time (ECF No. 92). In his motions, Plaintiff explains that his summonses to Defendants Wade Bettencourt and Jordan Roos were returned unexecuted because Plaintiff had provided the wrong address. (ECF No. 90). So, Plaintiff requests that the Court send him two additional USM-285 forms on which to provide the correct address and extend the time for Plaintiff to provide the forms to the United States Marshals Service (“USMS”) by forty-five days. Plaintiff does not otherwise explain his request “to show cause.”

The Court finds that Plaintiff has demonstrated good cause and excusable neglect to extend the time to submit his USM-285 forms to the USMS, which deadline passed on November 18, 2024, given Plaintiff's *pro se* and incarcerated status. *See* Fed. R. Civ. P. 6(b); *see* LR IA 6-1. The Court thus grants Plaintiff's motion to extend time. The Court also *sua sponte* extends the deadline for service under Federal Rule of Civil Procedure 4(m). The Court denies Plaintiff's motion to show cause because Plaintiff has not supported his request for that relief.

**IT IS THEREFORE ORDERED** that Plaintiff's motion to extend time (ECF No. 92) is granted. Plaintiff shall have until **January 2, 2025**, to send the USMS his completed USM-285 forms. Within twenty-one days after receiving a copy of the Form USM-285 back from the USMS showing whether service has been accomplished, Plaintiff must file a notice with the

1 Court identifying whether the Defendants were served. If Plaintiff wishes to have service again  
2 attempted on an unserved Defendant, Plaintiff must file a motion with the Court identifying that  
3 Defendant and specifying a more detailed name and/or address for the Defendant or whether  
4 some other manner of service should be attempted.

5 **IT IS FURTHER ORDERED** that Plaintiff shall have until **February 10, 2025**, to  
6 accomplish service.

7 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to issue  
8 summonses to Wade Bettencourt and Jordan Roos containing the address that Plaintiff has  
9 provided: 8950 W. Cheyenne Ave., Las Vegas, NV 89129.

10 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send the  
11 USMS the following for service:

12 • Two copies of Plaintiff's second amended complaint (ECF No. 53).  
13 • The newly-issued summonses to Wade Bettencourt and Jordan Roos.  
14 • A copy of this order.

15 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff  
16 two copies of the Form USM-285.

17 **IT IS FURTHER ORDERED** that Plaintiff must complete one USM-285 form for  
18 Bettencourt and one USM-285 form for Roos.

19 **IT IS FURTHER ORDERED** that Plaintiff's motion "to show cause" (ECF No. 91) is  
20 denied.

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22 DATED: November 25, 2024

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26 DANIEL J. ALBREGTS  
27 UNITED STATES MAGISTRATE JUDGE  
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